

United States Senate

WASHINGTON, DC 20510

July 29, 2021

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan:

We are writing to request information pertaining to the use of taxpayer-funded union time. Federal employees are permitted by law to represent labor organizations and perform other non-agency business while being paid by American taxpayers.¹ Any official time granted to an employee pursuant to 5 U.S.C. § 7131 (“taxpayer-funded union time”) also falls within Congress’s mandate that executive branch agencies interpret the law “in a manner consistent with the requirements of effective and efficient government.”² Federal agencies therefore have a duty to make sure that taxpayer-funded union time is only authorized in amounts that are “reasonable, necessary, and in the public interest.”³ Congress and the public likewise have an interest in knowing that taxpayer-funded union time complies with the purposes for which it is authorized. It is in this interest that we write today.

On May 25, 2018, President Trump issued Executive Order 13837 to ensure transparency, accountability, and efficiency in taxpayer-funded union time use. The Order required that certain information and data be provided to the public and agencies began promulgating policy to comply. Unfortunately, President Biden revoked the Order. However, agencies are able to continue providing transparency on this subject and the public and Congress maintain an interest in a transparent and effective use of taxpayer resources. Please provide the following information relating to fiscal year 2021:

1. The purposes for which the agency has authorized the use of taxpayer-funded union time, and the amounts of time used for each such purpose;
2. The job title and total compensation of each employee who has used taxpayer-funded union time in the fiscal year, as well as the total number of hours each employee spent on these activities and the proportion of each employee's total paid hours that number represents;
3. Whether the agency has allowed labor organizations or individuals on taxpayer-funded union time the free or discounted use of government property; if so, please provide the closest estimate for the total number of hours and days this free or discounted use of government property was allowed.
4. Any expenses the agency paid for activities conducted on or for taxpayer-funded union time; and
5. The amount of any reimbursement paid by the labor organizations for the use of government property.

To the degree possible, please provide this information no later than September 3, 2021 in the format as formed to comply with the guidelines promulgated under the now-revoked Executive Order 13837.⁴ Please reach out to

¹ See 5 U.S.C. § 7131.

² 5 U.S.C. § 7101(b).

³ 5 U.S.C. § 7101(d).

⁴ See Pon, Jeff T.H., *Memorandum for: Heads of Executive Departments and Agencies, Guidance for Implementation of Executive Order 13837 – Ensuring Transparency, Accountability, and Efficiency in Taxpayer-Funded Union Time* (Jul. 5, 2018), available at <https://www.chcoc.gov/content/guidance-implementation-executive-order-13837-%E2%80%93-ensuring-transparency-accountability->

Clark Hedrick on Ranking Member Lankford's staff at Clark_Hedrick@hsgac.senate.gov and Matt Mimnaugh on Ranking Member Burr's staff at Matt_Mimnaugh@help.senate.gov. Thank you for your attention to this matter.

Sincerely,



James Lankford
Ranking Member
Senate Committee on Homeland
Security and Governmental Affairs,
Subcommittee on Government
Operations and Border Management



Richard Burr
Ranking Member
Senate Committee on Health, Education,
Labor, and Pensions



Ron Johnson
Ranking Member
Senate Committee on Homeland
Security and Governmental Affairs,
Permanent Subcommittee on Investigations



Rand Paul, M.D.
United States Senator
Senate Committee on Health, Education,
Labor, and Pensions

Ranking Member
Senate Committee on Homeland
Security and Governmental Affairs,
Subcommittee on Emerging
Threats and Spending Oversight



Mitt Romney
United States Senator
Senate Committee on Health, Education,
Labor, and Pensions

Senate Committee on Homeland
Security and Governmental Affairs



Mike Braun
Ranking Member
Senate Committee on Health, Education,
Labor and Pensions,
Subcommittee on Employment and
Workplace Safety